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13 *Attorneys for Plaintiff,*
14 *Bernadette Allen,*

15 IN THE UNITED STATES DISTRICT COURT
16 FOR THE DISTRICT OF ARIZONA

17 Bernadette Allen,

18 Plaintiff,

19 vs.

20 Experian Information Solutions, Inc.,
21 an Ohio corporation.

22 Defendant.
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Case No.:

COMPLAINT

JURY TRIAL DEMAND

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2 NOW COMES THE PLAINTIFF, BERNADETTE ALLEN, BY AND
3 THROUGH COUNSEL, TRINETTE G. KENT, and for her Complaint against the
4 Defendant, pleads as follows:
5

6 **JURISDICTION**

- 7 1. Jurisdiction of this court arises under 15 U.S.C. §1681p, 15 U.S.C. §1692k(d)
8 and 28 U.S.C. §§1331,1337.
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10 2. This is an action brought by a consumer for violation of the Fair Credit
11 Reporting Act (15 U.S.C. §1681, *et seq.* [hereinafter “FCRA”]).
12

13 **VENUE**

- 14
15 3. The transactions and occurrences which give rise to this action occurred in the
16 City of Avondale, Maricopa County, Arizona.
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18 4. Venue is proper in the District of Arizona, Phoenix Division.

19 **PARTIES**

- 20
21 5. The Defendant to this lawsuit is Experian Information Solutions, Inc.
22 (“Experian”), which is an Ohio company that maintains a registered agent in
23 Maricopa County, Arizona.
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GENERAL ALLEGATIONS

6. On or about February 25, 2015, Plaintiff obtained her Experian credit file and noticed inaccuracies on the following trade lines (“Errant Trade Lines”):
- a. She did not recognize the following items on her credit report and disputed them:
 - i. Grant & Weber, Account Number: 668XXXX;
 - ii. Bureau of Medical Economics, Account Number: 641XXXX;
 - iii. Action Recovery, Account Number: 10XXXX; and
 - iv. Enhanced Recovery, Account Number: 6880XXXX.
 - b. She was reported as making late payments on the trade lines listed below, although her records did not reflect that she was ever late. As a result, she disputed the following trade lines to Experian:
 - i. Credit One Bank, Account Number: 444796922XXXX;
 - ii. GEGRB Old Navy, Account Number: 60185964XXXX; and
 - iii. Wells Fargo, Account Number: 442644XXXX.
 - c. Mrs. Allen never owed a balance to any creditor that would allow any creditor to report a collection item. Mrs. Allen disputed the item below and, as noted herein, Experian refused to investigate:
 - i. Verizon, Account Number: 3718321500.

- 1 7. On or about March 5, 2015, Mrs. Allen submitted a letter to Experian, disputing
2 the Errant Trade Lines.
3
- 4 8. On or about March 21, 2015, Mrs. Allen received a letter from Experian, stating
5 that it received a suspicious request and determined that it was not sent by Mrs.
6 Allen. Experian stated that it would not be initiating any disputes based on the
7 suspicious correspondence and that it would apply this same policy to any
8 future suspicious requests that it received.
9
- 10 9. Experian violated Mrs. Allen's rights under the Fair Credit Reporting Act,
11 causing her pecuniary and emotional damages, costs, and attorney's fees.
12

13 **COUNT I**
14

15 **NEGLIGENT VIOLATION OF THE FAIR CREDIT REPORTING ACT**
16 **BY EXPERIAN**

- 17 10. Plaintiff realleges the above paragraphs as if recited verbatim.
- 18 11. Defendant Experian prepared, compiled, issued, assembled, transferred,
19 published, and otherwise reproduced consumer reports regarding Mrs. Allen as
20 that term is defined in 15 USC 1681a.
21
- 22 12. Such reports contained information about Mrs. Allen that was false, misleading,
23 and inaccurate.
24
- 25 13. Experian negligently failed to maintain and/or follow reasonable procedures to
26 assure maximum possible accuracy of the information it reported to one or
27 more third parties pertaining to Mrs. Allen, in violation of 15 USC 1681e(b).
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1 14. After receiving Mrs. Allen's consumer dispute to the Errant Trade Lines,
2 Experian negligently failed to conduct a reasonable reinvestigation as required
3 by 15 U.S.C. 1681i.
4

5 15. As a direct and proximate cause of Experian's negligent failure to perform its
6 duties under the FCRA, Mrs. Allen has suffered actual damages, mental
7 anguish and suffering, humiliation, and embarrassment.
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9 16. Experian is liable to Mrs. Allen by reason of its violation of the FCRA in an
10 amount to be determined by the trier of fact together with her reasonable
11 attorneys' fees pursuant to 15 USC 1681o.
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15 **WHEREFORE, PLAINTIFF PRAYS** that this court grant her a judgment
16 against Experian for actual damages, costs, interest, and attorneys' fees.
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18 **COUNT II**

19 **WILLFUL VIOLATION OF THE FAIR CREDIT REPORTING ACT**
20 **BY EXPERIAN**

21 17. Plaintiff realleges the above paragraphs as if recited verbatim.

22 18. Defendant Experian prepared, compiled, issued, assembled, transferred,
23 published, and otherwise reproduced consumer reports regarding Mrs. Allen as
24 that term is defined in 15 USC 1681a.
25

26 19. Such reports contained information about Mrs. Allen that was false, misleading,
27 and inaccurate.
28

1 20.Experian willfully failed to maintain and/or follow reasonable procedures to
2 assure maximum possible accuracy of the information that it reported to one or
3 more third parties pertaining to Mrs. Allen, in violation of 15 USC 1681e(b).
4

5 21. After receiving Mrs. Allen's consumer dispute to the Errant Trade Lines,
6 Experian willfully failed to conduct a reasonable reinvestigation as required by
7 15 U.S.C. 1681i.
8

9 22.As a direct and proximate cause of Experian's willful failure to perform its
10 duties under the FCRA, Mrs. Allen has suffered actual damages, mental
11 anguish and suffering, humiliation, and embarrassment.
12

13 23.Experian is liable to Mrs. Allen by reason of its violations of the FCRA in an
14 amount to be determined by the trier of fact together with her reasonable
15 attorneys' fees pursuant to 15 USC 1681n.
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19 **WHEREFORE, PLAINTIFF PRAYS** that this court grant her a judgment
20 against Experian for the greater of statutory or actual damages, plus punitive damages,
21 along with costs, interest, and attorneys' fees.
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26 **JURY DEMAND**

27 Plaintiff hereby demands a trial by Jury.
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3 DATED: March 9, 2016

NITZKIN & ASSOCIATES

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5 By: /s/ Trinette G. Kent
6 Trinette G. Kent
7 Attorneys for Plaintiff,
8 Bernadette Allen
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